

## Minutes of the State Advisory Board on Children's Justice

July 17, 2015 11:30 am

Utah Attorney General's Office

5272 So. College Dr.

Salt Lake City, UT

Cheryl Boren	Welcome/Approval of Minutes – May 15 <sup>th</sup> Meeting	Motion: Rod 2 <sup>nd</sup> : Mike All in favor
Cheryl Boren CJC Directors	Announcements/CJC Accomplishments  1) Washington County 2) Grand Openings for Kane and Beaver	--Patricia Sheffield (Washington County CJC) retired effective a week ago from this meeting after serving almost 17 years. Her replacement is Shelley Haupt Teeples from the Sevier County Attorney's Office. --The Kane and Beaver CJs had their very successful open houses in June. Pictures of the centers were passed around. --4 <sup>th</sup> Annual Day of Hope for Salt Lake Co. CJC on Saturday, August 1 <sup>st</sup> as a fundraiser. \$40,000 was earned last year. There will be a car show, reptile show, food truck wars, and drawings to win a Toyota Camry and a Bear Lake Cabin vacation for 40 people. --Members of the Weber CJC are participating in a motorcycle ride with Weber County Sheriff's Office. It's a joint fundraiser with the Summit County CJC.
Laura Seklemian	State Advisory Board Membership Report 1. Upcoming Resignations --Judge Keith Kelly, District Court Judge --Karen Clawson, Representative for Children with Disabilities --Mary Lucero, Court Appointed Special Advocate 2. Term Expirations --Kierstyn Bolander, Adult Former Victim of Child Abuse --Judge Paul Lyman, Juvenile Court Judge 3. Prevention Representative	--Judge Kelly is no longer able to attend Friday's meetings and so is stepping down. He will be making a recommendation to the chief justice for a replacement, but if the board has recommendations, they can let Laura know, or notify the chief justice. --Karen Clawson has had to step down for personal reasons and nominations to fill the position are needed. --Mary Lucero has stepped down to be the Executive Director of Prevent Child Abuse Utah. Historically the Court Appointed Special Advocate position is the CASA administrator, but they must at least be a member of CASA. There are no current recommendations. If the board has any, they can send them to Laura or the Chief Justice. --Kierstyn Bolander's term expired in April after 4 years. They hopefully have a replacement for her, but they will also open up the position and take recommendations. --Judge Lyman's second term ended at the end of May. The board is sad to lose him, but upon Elizabeth Knight's recent confirmation (and her leaving her position on the board as the representative of the GAL office), we are asking that she be moved to Judge Lyman's former position. --Tracey spoke of creating a new position for a Prevention Representative. She suggests a more formal connection between the board and prevention to be connected to services providing primary prevention, intervention, etc. We could involve Prevent Child Abuse Utah to make children less of a good victim and let them voice what has happened to them. This would also allow for more training and abilities to refer people to other resources. This

		would not just be open for PCAU, but also other organizations. Motion. First: Tanya Second: Stephanie Passed.
Tracey Tabet	AG Staff Introductions/Changes	Scott Morrill was introduced last meeting as help for the program, but he recently left for UDOT. Katherine Rhodes, previously working with AG's Office Exec doing special projects and legislative issue work, is now helping the program part-time. Last summer the CJC program was moved under the Justice Division in the AG's Office. Effective July 1 <sup>st</sup> of this year, it has been moved under Missy Larsen in Communications and Community Outreach. Missy told the board the move will help the CJC in terms of finding real solutions to problems. If anyone would like to speak to Missy about legislative issues or funding, they are welcome to. Tracey and Missy will be looking into the current statute and seeing how they can make it work for the future.
Group	Follow-up on Letter to AG re: Support Staff	Last meeting, there was a discussion on the letter Susanne was helping to draft up asking for support staff for Tracey and Laura. What we need right now from AG's Office, what needs more attention right now, what do we need in the future that we're not asking for now because we're attending to current needs? Susanne will send out the letter for everyone to view and with questions asking for your suggestions. This will be sent out mid-August. She will then put the letter into a Google Doc for everyone to edit as needed. Please have the suggestions made before the next meeting (September 18 <sup>th</sup> ) so that the AG can attend to the specific items as needed.
Tracey Tabet	CJC Program Administrator's Report 1. Children's Justice Act Grant and Grantee Meeting 2. NCA and VOCA	The annual report was submitted on time and it has preliminary approval. At the CJA Grantee Meeting, an interesting presentation was given by Chris Newlin of the National Children's Advocacy Center on Trafficking. Tracey has copies of presentation, can send to anyone interested. We aren't seeing it in Utah like it is in states like FL, and it's much smaller than media would suggest, but is still an issue we are following. If you have personal interest, let Tracey know and she will forward national dialogue. VOCA is extending cap amount of money for states next year and have \$2.6 billion in new money, which is a huge increase. Tracey has asked for the CJC's to be part of the conversation in determining who would be eligible. This is a potential for CJC's to expand services, cover areas that are underserved, etc. All NCA chapter reports are in. All new contracts were sent out and are almost ready for new fiscal year.
Matt Janzen	United States Supreme Court Decision of Ohio v. Clark	The decision came out June 16 <sup>th</sup> and involved the confrontation clause of the 6 <sup>th</sup> amendment: When a defendant is in court, they have the right to have the witness come in for confrontation (cross-examination). Facts of case: A three-year-old went to school with bruises and signs of physical abuse. The teacher asked, "What happened? Who did this to you?" The child replied, "Dee." The teacher asked, "Is Dee big or little?" The child answered, "Dee is big." The teacher reported this to social services under the mandatory reporting law. Before social services could get to the school, Dee came to pick up the child from school. Under Ohio law, a child three or under is incompetent to stand trial. (Utah

		<p>does not have an age limit of competency.) The trial court wanted to bring in the statement because child was unavailable and the teacher had sufficient guarantees of trustworthiness. The Court of Appeals reversed this and said that it must be a testimonial situation and was not an ongoing emergency. The Ohio Supreme Court said that it should not be admitted because a teacher is an agent of the state like a police officer taking testimony.</p> <p>The US Supreme Court's decision reverses the lower decision and allows for a reasonable child standard: statements of a very young child will rarely if ever violate the confrontation clause—children don't understand giving statements.</p> <p>The court also said that a conversation between a concerned teacher and a student cannot be converted into a law enforcement submission aimed to gain evidence for prosecution. The primary purpose of what the teacher was doing was to <u>ameliorate an ongoing emergency</u>. The ongoing emergency is one factor, as is the informality of questioning. The teacher was trying to know if the child was safe, not prosecute the perpetrator.</p> <p>Utah law is different. In 2009, Utah got rid of statute which allowed for broader admission of statements in child abuse cases. Does person have to be present to confront witness? In child abuse, probably not situation where confrontation clause could come in. It is a hearsay statement when child is not present, so it's not allowed in Utah. However, Ohio v. Clark allows for CJC interviews. Admissible under hearsay rules: just been abused, under stress, blurted out, medical providers all admissible. Critical to get children into CJC because admissible in court. Have to backdoor it in court, leave to jurors to figure out what the child's answers are, but they can hear what the interviewer's questions were because hearsay rules.</p>
Group	Forensic Interview Initiative Discussion	<p>The Committee working on onsite interview program met last month. They have four potential sites for an onsite forensic interviewer. Utah County has had one for a few years and will act as the baseline. Tracey circulated draft of what responsibilities of onsite interviewers would be and whole center would be, including expectations for education and experience, what preferences are, and evaluator outcomes.</p> <p>Onsite interviewer does not absolve others, law enforcement, CPS of responsibility for handling cases. Backup is still needed and others will still need to be trained. Role of interviewer is fairly narrow. It is not a replacement for the program already in place, but rather a specialist to enlarge and enhance potential of interviews.</p> <p>Should a Bachelor's degree be a minimum requirement? This is the social worker minimum standard. They need to be familiar with child development. However, perhaps training and on-the-job experience can qualify, especially in rural areas. Since this is a county contract, perhaps we can allow different requirements. We need minimum requirements to draw highly skilled and credible applicants, but we can also have preferred qualifications that are not required but allow those with higher skills to be considered. We could also account for "actual education", i.e. on-the-job training, experience, POST training, etc. Experience can</p>

		<p>make experts. College degree is not synonymous with expertise. Ways of augmenting or supplementing with experience and training.</p> <p>Pilot positions will be a resource to the rest of the state through training, mentoring, peer review, case consults. All sites will have the benefit of expertise even if they don't have a forensic interviewer onsite. The interviewers can also do consults for other sites over the phone, etc. This needs the ongoing funding of the legislature.</p> <p>A year after the launch the program will be evaluated. Measure what success looks like, and whether it was achieved. Other thoughts, contact Tracey. Committee will get together again. Hopeful ready to launch by October. Utah County is ready to go now.</p>
Tracey Tabet	NCA Chapter Accreditation	<p>The chapter accreditation packet was submitted in June and passed preliminary format review. Site reviewer contacted Tracey and will be meeting with her by phone in two weeks. The site reviewer will also participate in September board meeting by phone and will have a conference call with the Executive Committee. She may have some questions, since this is an advisory board, not a governing board. It is important to pass accreditation to get funding to pass to centers.</p>
Group	Support Person for Families	<p>--Private investigators are coming in to Utah County CJC as the support person, but are using the information for purposes other than the comfort of the child. The parents don't have the right to inject private investigation process merged into criminal investigation. However, we can't tell lawyers to leave the site as the family representatives. If it's a non-lawyer, discussions are not privileged or confidential. May have people in room listening to them and use PI as witness. If a private investigator comes in, we can ask them to sit in the CJC waiting area. Lawyers can counsel clients, but we are not required to let them in the interview as the child is not a suspect. Invite them to sit in the living room.</p> <p>--Allowing someone like this in the interview could be obstructing investigation and justice. Law enforcement has the right to say that they are interfering in investigation. It can also appear as like coaching, tampering, or coercion to have someone else in the interview.</p> <p>--If you think that an interview is necessary but the parents saying no, that seems like a red flag that the child needs to be interviewed without those people present. You can get around it through court order or you can interview the child at school.</p> <p>--If you have any questions, the first place to go is to your County Attorney.</p> <p>--Utah County Attorney says maybe draft up a paper that says there will be a charge if information is used for purposes other than being the support person for the child. However, the current plan is to refer the case to your respective County Attorney, and if there are disparities between counties, we will then address at a statewide level.</p>
Dr. Toni Laskey	Medical Program Update	<p>Medical Training Academy was the last week of May. There is a new RN at Davis and new providers down south. This training was geared towards what is being seen not at trauma center but at CJC's. If you have a new provider, it can be intimidating when they get a subpoena, and may require some help for both attorney and provider. Toni is available to help out.</p>

Laura Seklemian	Symposium Recap	There were 630 people in attendance and a great response from attendees and no negative comments about the venue. We will hold Symposium in May in the future. Next year's dates are May 16 <sup>th</sup> -18 <sup>th</sup> . Laura has already started working on the lineup of speakers. There will be more intensive planning starting in August and new agendas should go out by the first of the year. Certificates from the last symposium are still being worked on. The electronic app from this year's Symposium was useful but we will work on getting out instructions earlier next year.
Kenna Jones	Report from Council on Crime Victims	Kenna was not in attendance, but Laura was able to report. The Council discussed the possibility of CJs being used for adult victim interviews and exams. They realized that this needs to be driven by what the local needs are. CJC directors should participate in community discussions and be a resource as needed.
Rod Layton	State Board Standing Committees 1. Directors	In the Directors' Meeting, Paul Schaaf spoke of the role of the child protection ombudsman and how he can be assistance of CJs. Susanne did a presentation on online donations--if we have donations coming in from around the state but they want to donate to CJC in general, can they go to one site? We plan to bring that back up at next meeting to make it simple and easy. Majority of time spent on training: victim advocacy, forensic interview, train the trainer. Talked about support person issue, invited Toni and Julie to come in to talk about medical program. It was good to understand how medical program meshes with CJC. Said goodbye to Patricia Sheffield.
Cheryl Boren	Public Comments	None.
Cheryl Boren	Next Board Meeting September 18, 2015 11:30am	Adjourned Motion: Mike Seconded: Craig